

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVID B. CORNEAL AND	:	CASE NO. 1:00-CV-1192
SANDRA Y. CORNEAL	:	<i>J. Rambo</i>
vs.	:	
JACKSON TOWNSHIP, Huntingdon	:	
County, Pennsylvania,	:	JURY TRIAL DEMANDED
W. THOMAS WILSON, Individually and	:	
in his Official Capacity as Supervisor of	:	
Jackson Township, MICHAEL YODER,	:	
Individually and in his Official Capacity as	:	
Supervisor of Jackson Township,	:	
RALPH WEILER, Individually and in his	:	
Official Capacity as Supervisor of Jackson	:	
Township, BARRY PARKS, Individually	:	
and in His Official Capacity as Sewage	:	
Enforcement Officer of Jackson Township,	:	
DAVID VAN DOMMELEN, Individually	:	
and in his Official Capacity as Building	:	
Permit Officer, ANN I. WIRTH,	:	
Individually and in her Official Capacity as	:	
Secretary of Jackson Township, and	:	

FILED
HARRISBURG, PA

JUN 14 2004

MARY E. D'ANDREA, CLERK
Per KSN

**DEFENDANTS' JACKSON TOWNSHIP, W. THOMAS WILSON,
MICHAEL YODER, RALPH WEILER, BARRY PARKS,
DAVID VAN DOMMELEN AND ANN I. WIRTH'S
RESPONSE TO PLAINTIFFS' OBJECTIONS TO BILL OF COSTS**

NOW COME Defendants, Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen and Ann I. Wirth, by and through their authorized counsel of record, Mayers, Mennies & Sherr, LLP, and in response to Plaintiffs' Objections to Defendants' Bill of Costs state as follows:

1. Admitted.

2. Admitted.

3. No averments are made in this paragraph; therefore, no response is necessary.

4. Admitted.

5. Denied. The receipt for item #1 itemizes costs associated with copying, as allowed by Local Rule 54.4(5), and mileage expenses associated with the taking of a deposition, as allowed by Local Rule 54.4(4). These costs are taxable pursuant to 28 U.S.C. §1920. By way of further response, Defendants recognize a billing error concerning item #1. Costs associated with “actual copies”, in the amount of \$42.41, should not have been billed to Plaintiffs under item #1, as such costs were properly included in item #2. Accordingly, the amount due for item #1 is \$40.78.

6. Denied. The costs associated with item #2 are for duplicating services allowable under Local Rule 54.4(5) and 28 U.S.C. §1920(3).

7. Denied. Costs associated with item #3 of Defendants’ Bill of Costs are recoverable as they do not constitute nontaxable “expenses” as provided by Local Rule 54.4(3).

8. Denied. The costs associated with item #4 are for duplicating services allowable under Local Rule 54.4(5) and 28 U.S.C. §1920(3).

9. Denied. The costs associated with item #5 are for duplicating services allowable under Local Rule 54.4(5) and 28 U.S.C. §1920(3).

10. Denied. Contrary to Plaintiffs' assertions, Local Rule 54.4(5) does not address the issue of whether documents copied for use at a trial that does not take place are taxable. Accordingly, such costs are recoverable pursuant to 28 U.S.C. §1920(3).

11. Denied. Costs associated with ineffective service are taxable pursuant to 28 U.S.C. §1920(1). Plaintiff cites no rule that would provide a contrary finding. Accordingly, all costs associated with item #7 are recoverable.

WHEREFORE, Defendants respectfully request the Clerk of Courts to tax costs in the revised amount of \$5691.03, the amount representing the original Bill or Costs less costs associated with the duplicative billing as described more fully herein at ¶ 5.

MAYERS, MENNIES & SHERR, LLP

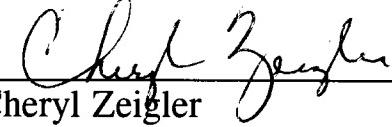
BY: 

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CERTIFICATE OF SERVICE

I, Cheryl Zeigler, hereby certify that on the 9th day of June 2004, a true and correct copy of Defendants, Jackson Township, W. Thomas Wilson, Michael Response to Plaintiffs' Objections to Bill of Costs was served by first class regular mail, postage prepaid upon the following:

Bridget E. Montgomery, Esquire
Adam M. Shienvold, Esquire
Eckert, Seamans Cherin & Mellott
213 Market Street, 8th Floor
Harrisburg, PA 17101

BY: 
Cheryl Zeigler
Legal Assistant to Anthony R. Sherr



MAYERS, MENNIES & SHERR, LLP

ATTORNEYS AT LAW

ANTHONY R. SHERR
tsherr@mmsllp.com

June 9, 2004

Clerk
United States District Courthouse
Middle District of Pennsylvania
228 Walnut Street
P.O. Box 983
Harrisburg, PA 17108

RE: Corneal v. Jackson Township, et al.
C.A. No. 1:00-CV-1192 – Judge Rambo

Dear Sir/Madam:

Enclosed please find an original and three copies of Defendants' Response to Plaintiffs' Objections to Bill of Costs, which I ask that you have filed of record with the Court and return a time-stamped copy to me in enclosed self-addressed stamped envelope.

Thank you for your courtesies in this regard.

Very truly yours,



ANTHONY R. SHERR

ARS/cz
Enclosure
cc: Bridget E. Montgomery, Esquire
Adam Sheinvold, Esquire